THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.650 OF 2000

DATED: 12-10-2007

Between :

1. Ippa Yellamma and 4 others. … Petitioners

And

1. The District Collector, Warangal, Warangal District., and two others. … Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.650 OF 2000

ORDER:

This writ petition is filed seeking a declaration that the action of the respondents in not delivering the possession of the land to an extent of 3760 sq. mts. situated in Sy.Nos.207 and 211 of Desaipet Village, Wangal Mandal, Warangal District to the petitioners as arbitrary and illegal.

The petitioners claim to be the legal heirs of one Chinna Sayanna who was the owner of Ac.1-08 guntas of land situated in Sy.Nos.164, 165, 207 & 211 of Desaipet Village. The said Chinna Sayanna was declared as surplus-holder under the provisions of the Urban Land (Ceiling and Regulation) Act to an extent of 3760 sq. mts. vide proceedings of the Special Officer and Competent Authority dated 24-9-1981. Pursuant thereto, the possession of surplus-land was taken over on 22-12-1990. Aggrieved by the same, the petitioners filed W.P.No.13437 of 1994 which was disposed of by this Court granting liberty to the petitioners to prefer an appeal before the Commissioner of Urban Land Ceiling. Accordingly, the petitioners preferred an Appeal which was disposed of by order dated 14-12-1995 remanding the matter to the competent authority for fresh disposal. The Special Officer after making such enquiry passed an order dated 11-3-1996 declaring that the petitioners are not surplus-holders. However, by that time, the Mandal Revenue Officer, Hanamkonda, having taken possession of the land, assigned the same to the third parties for house-sites. It appears that all the beneficiaries have constructed

houses and have been residing in the said houses. Having realized the same, the petitioners made a representation requesting to redeliver vacant possession. Pursuant thereto, proceedings were initiated for cancellation of the assignments and ultimately by order dated 28-10-1999 the assignments were cancelled and the 2nd respondent was directed to take necessary action in the matter. However, no steps could be taken to evict the assignees from the lands in question and consequently the vacant possession of the land could not be handed over to the petitioners. Aggrieved by the said action of the respondents, this writ petition is filed.

In the counter-affidavit filed on behalf of the respondents, it is stated that as per the order dated 28-10-1999 cancelling the assignments, steps are being taken to secure the alternative Government land so as to accommodate the assignees.

I have heard the learned Counsel for both the parties.

From the material placed on record, it is clear that the petitioners are not surplus-holders and therefore they are entitled for redelivery of 3,760 sq. mts. of land which was taken away pursuant to the original order passed by the Special Officer and Competent Authority dated 22-12-1990. However, the fact remains that the said land was already assigned to the landless-poor who were put in possession long back. Though the said assignments were subsequently cancelled, the learned Government Pleader states that it is not possible to dispossess them without providing alternative accommodation.

Having regard to the fact that the order dated 11-3-1996 holding that the petitioners are non-surplusholders has become final, the failure on the part of the respondents to restitute the land in question would undoubtedly result in violation of Article 300-A of the Constitution of India unless they are suitably compensated.

In the circumstances, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent either to restore the

possession of the land to the petitioners or pay the value of the land in question as on 11-3-1996 together with the benefits under the Land Acquisition Act as expeditiously as possible preferably within three months from the date of receipt of this order

Writ Petition is accordingly disposed of. No costs.

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G. ROHINI, J.

Dt. 12-10-2007

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